



HARRIS, WILTSHIRE
& GRANNIS LLP

EX PARTE OR LATE FILED

REDACTED—FOR PUBLIC INSPECTION

September 29, 2014

Accepted/Files

EX PARTE

SEP 29 2014

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

Re: *Telephone Number Portability, et al.*, CC Docket No. 95-116, WC Docket Nos.
07-149 & 09-109

Dear Ms. Dortch:

On September 25, 2014, Rear Admiral Jamie Barnett (ret.) of Venable LLP, Mark Davis of Harris, Wiltshire & Grannis LLP, and I, all on behalf of Telcordia Technologies, Inc., d/b/a iconectiv ("Telcordia"), met with Nicholas Degani, Legal Advisor to Commissioner Pai. In the meeting, Telcordia made the following points:

This is the first, open competitive bidding for the Local Number Portability Administration ("LNPA") contract since 1997. The lack of open, competitive bidding has enabled Neustar to benefit from years of charging telecommunications carriers and consumers much more than a fair market rate. Indeed, if Telcordia's price is a guide to the competitive market price for LNPA services, Neustar has taken ****BEGIN HIGHLY CONFIDENTIAL**** ****END HIGHLY CONFIDENTIAL**** more from 2008 to 2015 than it would have earned if earlier contracts had been competitively bid earlier. Moreover, for the period beginning in July 2015 (and including the two one-year options), Neustar's bid was an additional ****BEGIN HIGHLY CONFIDENTIAL**** ****END HIGHLY CONFIDENTIAL**** higher than Telcordia's.

Neustar's new-found concerns regarding security are nothing but a last-ditch effort to delay the selection of a new LNPA. To the extent that Neustar believed that the Request for Proposals ("RFP") and the selection process adopted by the Bureau did not adequately address security, it had numerous opportunities to address those prior to now—including in March 2011,¹

¹ *Petition of Telcordia Technologies Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration and to End the NAPM LLC's Interim Role in Number Portability Administration Contract; Telephone Number Portability,*

when the Bureau sought comment on its selection framework and in August 2012,² when the Bureau sought comments on the draft RFP. If Neustar truly believed that the RFP and the Bureau's selection process did not adequately address security, it should have, and presumably would have, said so in 2011 and 2012 when given the opportunity to do so. It did not; on the contrary, it told the Bureau that it was illegitimate for Telcordia to suggest changes to the selection process when Telcordia did so in 2011, and as recently as January 2013, it endorsed the selection process and the RFP.³ Thus, the Commission should see Neustar's new-found security concerns for what they are—a desperate attempt to delay the LNPA selection rather than genuine issues with the security requirements outlined in the RFP. As Telcordia has explained in its prior filing,⁴ the RFP addressed security at the level of detail that should be expected for such a document, and the Commission can and should address the details of the sort raised by Neustar through the contract administration process. Telcordia has been and will continue to be in active discussions with U.S. law enforcement and national security agencies to ensure that these agencies can continue to receive the information they need with the necessary security protocols in place.

Telcordia is neutral as required by 47 U.S.C. § 251(e) as well as the Commission's implementing regulations. As Telcordia has explained in the past, the Commission's neutrality rules impose a three-prong analysis of which the cornerstone is whether the prospective LNPA is subject to "undue influence," and for the reasons stated in Telcordia's prior filings, it meets those requirements. As a practical matter, the NANC members who unanimously recommended Telcordia have every incentive to ensure that the LNPA will treat them fairly and will not discriminate against them. And, contrary to Neustar's protestations, the Commission's rules do not prohibit the LNPA from being affiliated with an equipment manufacturer.

There have been no irregularities in the process that would justify allowing Neustar a second bite at the apple. While Neustar has repeatedly suggested that it has the right to submit a second best and final offer because the initial bid deadline was extended, these two issues have absolutely nothing to do each other.

Order and Request for Comment, DA 11-454, 26 FCC Rcd. 3685 (Wireline Comp. Bur. 2011).

² *Wireline Competition Bureau Seeks Comment on Procurement Documents for the Local Number Portability (LNP) Administration Contract, Pleading Cycle Established*, Public Notice, DA 12-1333, 27 FCC Rcd. 11,771 (Wireline Comp. Bur. 2012).

³ *See* Letter from Aaron M. Panner, Counsel for Neustar, Inc., to Marlene H. Dortch, Secretary, FCC, at 1, CC Docket No. 95-116, WC Docket Nos. 07-149 and 09-109 (filed Jan. 11, 2013).

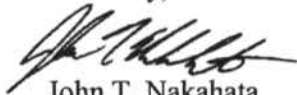
⁴ *Ex Parte Response of Telcordia Technologies, Inc., d/b/a/ iconectiv to Neustar Reply Comments at 4-12*, WC Docket Nos. 09-109 and 07-149, CC Docket No. 95-116 (filed Sept. 24, 2014).

Ms. Marlene Dortch
September 29, 2014
Page 3 of 3

REDACTED—FOR PUBLIC INSPECTION

The Commission should move expeditiously to confirm the NANC's recommendation. Any further delays will cost the industry—and ultimately consumers—over a million dollars for each day of delay beyond July 1, 2015 in implementing the new contract.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata", written over a horizontal line.

John T. Nakahata
Counsel for Telcordia Technologies, Inc.
d/b/a iconectiv

cc: Nicholas Degani